



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – SECOND SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 14, 2014

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING** – the Speaker
4. **COMMUNICATION FROM THE CHAIR ON PUBLIC COLLECTIONS AND HARAMBEES**

The Speaker conveyed the following Message from the President –

Honourable Members,

I have received a letter dated, 17th September 2014 Ref. CC.7/10/VOL. II(108) from the Ethics and Anti-Corruption Commission indicating that the Commission is concerned that some Members of the National Assembly have continuously engaged in public collections contrary to the legal provisions governing public collections and harambees.

Honourable Members, the Commission has requested me to bring to your attention the provisions of Section 18 of the Leadership and Integrity Act, 2012 which provides that, and I quote-

(1) A state officer shall not solicit for contributions from the public for a public purpose unless the President has by notice in the Gazette, declared a national disaster and allowed a public collection for the purpose of the national disaster in accordance with the law, and that

(2) A state officer shall not participate in a public collection of funds in a way that reflects adversely on that state officer's integrity, impartiality or interferes with the performance of the official duties,

Further, Section 13 of the Public Officer Ethics Act, 2003 provides that a public officer shall not-

*a) use his office and place of work as a venue for soliciting or collecting harambees;
or*

b) either as a collector or promoter of a public collection, obtain money or other property from a person by using his official position in a way to exert pressure.

Honourable Members, this is, therefore, to bring to your attention the contents of the said self-explanatory letter from the Ethics and Anti-Corruption Commission and to direct the Clerk of the National Assembly to distribute copies of the same to all of you for your information.

Thank you".

5. **MESSAGE FROM THE PRESIDENT ON REFERRAL BY H.E. THE PRESIDENT OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2014**

The Speaker conveyed the following Message from the President –

"Honourable Members,

You may recall that during the month of August 2014, the National Assembly passed the Statute Law (Miscellaneous Amendments) Bill, 2014. Thereafter, I presented the Bill for Assent to H.E. the President on 14th September 2014, in accordance with the provisions of the Constitution and our Standing Orders. However, on 23rd September 2014, H.E. the President, by way of a Memorandum, referred the Bill back to the National Assembly for reconsideration, pursuant to the provisions of Article 115(1)(b) of the Constitution.

Honourable Members,

I have on two previous occasions guided this House on the manner of considering a Bill which has been referred back to the National Assembly by H.E. the President. Just as a reminder, Article 115 (4) of the Constitution provides, and I quote

"Parliament, after considering the President's reservations, may pass the Bill a second time, without amendment, or with amendments that do not fully accommodate the President's reservations, by a vote supported by two-thirds of members of the National Assembly."

Standing Order 154 requires the National Assembly to consider the President's reservations within 21 days. Since the Memorandum was submitted at a time when the House was on the recess, time started counting today, that is, October 14, 2014, being the first day of this part of the Session, and should be concluded on or before November 4, 2014.

Honourable Members,

In that connection therefore, I now direct the Departmental Committee on Justice and Legal Affairs to examine the reservations by H.E. the President with a view to guiding debate when the reservations are considered by the House. The Committee should table its report on or before Thursday, October 23, 2014, so that the Bill can be put down for consideration in the Committee of the whole House during the week commencing October 28, 2014. I wish to remind the House and the Committee that only clauses of the Bill that have reservations will be considered. I also direct the Clerk to circulate the memorandum from H.E. the President to all Members so that you can familiarize yourselves with its contents.

Thank you".

6. **CONVEYANCE OF A PETITION REGARDING CITIZENS EVICTED FROM LAND REF. LR. NO.9312, LR NO.9313 AND LR NO.3760 IN JUJA CONSTITUENCY**

The Speaker conveyed the following Petition –

“Honourable Members,

Standing Order 225(2) (b) requires that the Speaker reports to the House, any Petition other than those presented through a Member.

I therefore wish to convey to the House that my office has received a Petition regarding citizens allegedly evicted from Twiga Farm, LR No.9312, LR No.9313 and LR No.3760 in Juja Constituency.

The Petition, signed by more than six hundred members of a group referring itself as Twiga Farm Evictees, is praying that Parliament:-

- (i) causes the carrying out of a thorough audit to determine the bonafide owners of Twiga Farm (LR No.9310. LR No.9313 and LR No.3760);
- (ii) explores ways of causing compensation and repatriation by the State of these Petitioners and their families; and
- (iii) recommends investigations to be carried out by the Department of Criminal Investigations on the culpability of all State/Public Officers involved in the eviction of the Petitioners.

Honourable Members,

This Petition therefore shall stand committed to the Departmental Committee on Lands for consideration. The Committee is requested to consider the Petition and report its findings in accordance with Standing Order 227 (2) for consideration.

Thank you”.

7. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The National Cohesion and Integration Commission (NCIC) Annual Report for the period 2012/2013, in accordance with Section 41 of the NCIC Act, 2008;
- (ii) The Power of Mercy Advisory Committee’s Annual Report for the Financial Year commencing 1st July, 2013 to 30th June, 2014, in compliance to Section 29 of the Power of Mercy Act, 2011;
- (iii) The Ethics and Anti-Corruption Commission Report for the period from 1st October, 2013 to 31st December, 2013 in accordance with Sections 35 and 36 of the Ethics and Anti-Corruption Act, 2003;

- (iv) The Kenya Wildlife Service (KWS) Annual Report and Financial Statements for the year ending 30th June, 2013, and the certificate of the Auditor-General therein;
- (v) The Annual Report and Financial Statements of the National Crime Research Centre for the year ended 30th June, 2013, and the certificate of the Auditor-General therein in accordance with Section 17 (10) of the National Crime Research Centre Act;
- (vi) The Annual Report and Financial Statements of KASNEB for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein;
- (vii) The Annual Report and Financial Statements of the New Kenya Co-operative Creameries Limited for the year ended 30th June, 2013; and
- (viii) Address of His Excellency the President to Parliament on 6th October 2014

(The Leader of the Majority Party)

- (viii) The First Report of the Committee on Privileges regarding absences and conduct of Members of the National Assembly

(Hon. Peter Shehe)

8. **NOTICE OF MOTION** – (Hon. Peter Shehe)

THAT, this House adopts the First Report of the Committee on Privileges regarding absences and conduct of Members of the National Assembly

9. **NOTICE OF MOTION** – (The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of the House be recorded for the exposition of public policy contained in the Address of the President delivered on Monday 6th October, 2014, laid on the Table of the House today Tuesday, 14th October, 2014

10. **STATEMENT ON APPEARANCE BEFORE COMMITTEE ON GENERAL OVERSIGHT**

Pursuant to Standing Order 44(2)(b), the Leader of the Majority Party issued a Statement regarding appearance by Cabinet Secretaries before the Committee on General Oversight on General Oversight.

Thereupon, the Leader of the Majority informed the House that due to a communication breakdown and possible problems of perception towards the operations of the Committee, two Cabinet Secretaries who were scheduled to respond to Questions on Tuesday, 14th October, 2014 did not appear. He therefore assured the House that the two Cabinet Secretaries will have to avail themselves in the subsequent meetings of the said Committee.

11. **THE IN-VITRO FERTILIZATION BILL (NATIONAL ASSEMBLY BILL NO.36 OF 2014)**
(Hon. Millie Odhiambo-Mabona)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

12. **THE PHARMACY PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO.37 OF 2014)**

(Chairperson, Departmental Committee on Health)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

13. **THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.35 OF 2014)**

(Chairperson, Departmental Committee on Education, Research and Technology)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

14. **THE BUSINESS REGISTRATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO.5 OF 2014)**

Order deferred to another day.

15. **THE SECURITIES AND INVESTMENT ANALYSTS BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Securities and Investment Analysts Bill (National Assembly Bill NO.21 of 2014) be now read a Second Time.

(Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

And the time being thirty minutes past Six O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, October 15, 2014 at 9.30 a.m.